

Case Type: Personal Injury

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Randa Helmberger and John
Helmberger,

Plaintiffs,

SUMMONS

v.

Michaels Stores, Inc., Vanbarton Group
~~LLC and Vanbarton Services MN LLC,~~

Defendants.

THIS SUMMONS IS DIRECTED TO ABOVE-NAMED DEFENDANTS:

1. **YOU ARE BEING SUED.** The Plaintiffs have started a lawsuit against you. The Plaintiffs' Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this Summons.
2. **YOU MUST REPLY WITHIN 21 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this Summons a **written response** called an Answer within 21 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at:

Schwebel Goetz & Sieben
5120 IDS Center
80 S. 8th Street
Minneapolis, MN 55402
3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiffs' Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiffs should not be given everything asked for in the Complaint, you must say so in your Answer.
4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 21 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiffs everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not

need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.

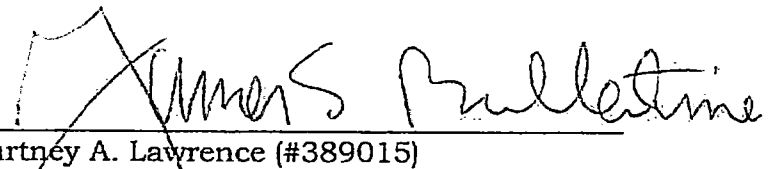
5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**
6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

I hereby acknowledge that sanctions may be awarded pursuant to Minn. Stat. § 549.211.

SCHWEBEL GOETZ & SIEBEN, P.A.

Dated: May 17, 2021

By


Courtney A. Lawrence (#389015)
James S. Ballentine (#209739)
Matthew J. Barber (#397240)
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STATE OF MINNESOTA
COUNTY OF RAMSEY

Case Type: Personal Injury
DISTRICT COURT
SECOND JUDICIAL DISTRICT

Randa Helmberger and John
Helmberger,

Plaintiffs,

v.

COMPLAINT

Michaels Stores, Inc., Vanbarton Group
LLC, and Vanbarton Services MN LLC,

Defendants.

Plaintiffs Randa Helmberger and John Helmberger for their claims for relief,
state and allege that:

Parties

1. Defendant Michaels Stores, Inc. (Michaels) is a corporation organized under Delaware law with its principal place of business in Texas.
 2. Michaels is authorized to do business in Minnesota and is in good standing with the Minnesota Secretary of State.
 3. Michaels has consented to personal jurisdiction in Minnesota by appointing a registered agent for service of process located in Minnesota.
 4. Michaels operates a store located in the Har-Mar Mall, which is located at 2100 Snelling Avenue North, Roseville, Minnesota, Ramsey County.
 5. Defendant Vanbarton Services MN LLC (Vanbarton Services) is a limited liability company organized under Delaware law with its principal place of business in Delaware.
 6. Vanbarton Services is authorized to do business in Minnesota and is in good standing with the Minnesota Secretary of State.
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7. Vanbarton Services has consented to personal jurisdiction in Minnesota by appointing a registered agent for service of process located in Minnesota.
8. Upon information and belief, at least one of the members or submembers of Vanbarton Services is a citizen of the state of Minnesota.
9. Vanbarton Services manages the Har-Mar Mall.
10. Vanbarton Group LLC (Vanbarton Group) owns the Har-Mar Mall.
11. Vanbarton Group is not authorized to do business in Minnesota.
12. Vanbarton Group is not in good standing with the Minnesota Secretary of State.
13. Vanbarton Group is a limited liability company organized under Delaware law.
14. Defendants own, operate, manage, and maintain the commercial retail establishment known as Michaels Craft Store, which is located in Har-Har Mall at 2100 Snelling Avenue North, Roseville, MN 55113.
15. Plaintiffs Randa and John Helmberger are married to each other and are citizens of Minnesota.

Cause of action

16. On June 19, 2019, at approximately 2:30 p.m., plaintiff Randa Helmberger was lawfully present on the Michaels Craft Store premises, which is owned, operated, managed, and maintained by defendants.
17. At that time and place, defendants carelessly and negligently failed to warn, maintain, repair, and otherwise exercise ordinary care in the operation, maintenance, and repair, of the Michaels Craft Store premises so that it would be in a safe condition for foreseeable entrants and patrons, including plaintiff Randa Helmberger.

18. Defendants were further careless and negligent in their failure to maintain said premises knowing that entrants and patrons of Michaels Craft Store regularly enter and exit said premises where plaintiff Randa Helmberger was caused to trip and fall.

19. At that time and place, plaintiff Randa Helmberger was caused to trip and fall on an elevated lift at the threshold of the inside mall entrance as a result of the carelessness and negligence of the defendants in their inspection, maintenance, operation and repair of that area; in their failure to warn of a dangerous trap; in their failure to maintain that area in a condition that was reasonably safe; in their failure to keep that area in a state of reasonable repair; in their failure to keep the area in a condition fit for the use intended; and as a result of other careless and negligent acts and omission on the part of the defendants and each of them.

20. Defendants violated the Minnesota State Building and Accessibility Codes, the ADA and ATSM Standards which all require that abrupt variations in elevations greater than $\frac{1}{4}$ " be beveled. Plaintiff was caused to trip and fall on a sheer threshold rising $\frac{1}{2}$ " perpendicular to defendants' floor in violation of the above codes, statute and standards. Defendants' violation of the above codes, statute and standards may constitute causal negligence *per se* under Minnesota law and constitute prima facie evidence of defendants' negligence.

Damages

21. Defendants had actual and/or constructive knowledge of this dangerous condition, which includes, but is in no way limited to, an artificial condition of the Michaels Craft Store premises located at the entrance/exit where plaintiff Randa Helmberger was caused to trip and fall.

22. As a direct and proximate result of this fall, plaintiff Randa Helmberger sustained substantial injuries, including but not limited to a significant hamstring tear and three tendons torn in the pelvis.

23. She has in the past and will in the future incur medical and hospital expenses for the treatment of his injuries.

24. She has in the past and will in the future incur a loss of earnings and of earning capacity.

25. She has in the past and will in the future suffer great physical and mental pain.

26. Therefore, plaintiff Randa Helmberger has been damaged and injured in an amount great than Fifty Thousand and no/100 (\$50,000.00) Dollars.

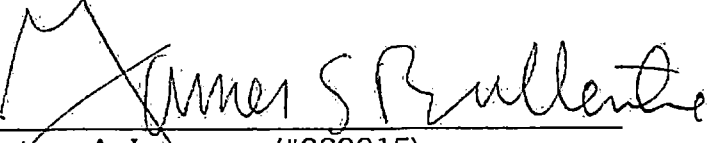
27. Plaintiff John Helmberger is the husband of plaintiff Randa Helmberger. As a result of the serious injuries sustained by Randa Helmberger, John Helmberger has in the past and will in the future be deprived of Randa's services, society, and companionship. Therefore, Plaintiff John Helmberger has been damaged and injured in an amount greater than Fifty Thousand and no/100 (\$50,000.00) Dollars.

WHEREFORE, plaintiffs Randa and John Helmberger pray judgment against defendants and each of them in an amount greater than Fifty Thousand and no/100 (\$50,000) Dollars on behalf of plaintiff Randa Helmberger and in an amount greater than Fifty Thousand and no/100 (\$50,000) Dollars on behalf of plaintiff John Helmberger, together with interest, costs, and disbursements incurred herein.

I acknowledge sanctions may be awarded under
Minn. Stat. § 549.211.

SCHWEBEL GOETZ & SIEBEN, P.A.

Dated: May 17, 2021

By 
Courtney A. Lawrence (#389015)
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